

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JACQUELINE A. WILLIAMS,

Plaintiff,

vs.

HOME DEPOT U.S.A., INC.,

Defendant.

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Civil Action No. _____

JURY DEMANDED

DEFENDANT HOME DEPOT U.S.A., INC.'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Defendant Home Depot U.S.A., Inc. ("Home Depot"), who files this its Notice of Removal on the basis of diversity jurisdiction, and would show the Court as follows:

1. Home Depot is the Defendant in a civil action pending in the 44th Judicial District Court of Dallas County, State of Texas, entitled *Jacqueline A. Williams vs. Home Depot U.S.A., Inc.*, Case No. DC-14-12094 (hereinafter referred to as the "State Court Action"). An Index of State Documents Filed with the Notice of Removal is attached hereto as Exhibit "A," and true and correct copies of all process, pleadings, and orders served upon Home Depot in the State Court Action, and the State Court Docket Sheet are attached hereto as Exhibit "B," as required by 28 U.S.C. § 1446(a) and Local Civil Rule 81.

2. The State Court Action was filed on October 14, 2014. Home Depot was served with Plaintiff's Petition on October 21, 2014. Plaintiff's Petition asserts a premises liability claim against Home Depot. Plaintiff's Petition states that she prays for "monetary relief over \$200,000, but not more than \$1,000,000." Thus, it is facially apparent from Plaintiff's Petition that Plaintiff is seeking damages in excess of \$75,000.00. This Notice of Removal, therefore, is timely filed within

thirty (30) days of service of process of Plaintiff's lawsuit upon Home Depot. *See* 28 U.S.C. § 1446(b).

3. Plaintiff Jacqueline Williams is and was at the time of the filing of this action a citizen of the State of Texas.

4. Home Depot is and was at the time of the filing of this action a corporation incorporated under the laws of the State of Delaware with its principal place of business in Atlanta, Georgia. Consequently, Home Depot is a citizen of the States of Delaware and Georgia.

5. Consequently, the district courts of the United States have original jurisdiction over this action based on completely diversity of citizenship amongst and between the parties, in that Plaintiff, on the one hand, and Home Depot, on the other hand, are now, and were at the time this action commenced, diverse in citizenship from each other.

6. The amount in controversy in the State Court Action is in excess of \$75,000.00, exclusive of interests and costs. Accordingly, the State Court Action is within the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as it is a civil action wholly between citizens of different states, and, the amount in controversy is in excess of the Court's jurisdictional minimum for diversity cases.

7. Under 28 U.S.C. § 1446(a), venue of the removed action is proper in this Court as it is the district embracing the place where the State Court Action is pending.

8. Pursuant to 28 U.S.C. § 1446(d), Home Depot will promptly give written notice of the filing of this notice of removal to Plaintiff and will further file a copy of this Notice of Removal with the District Clerk of Dallas County, Texas, where the action was previously pending.

9. **Jury Demand** – Home Depot hereby requests trial by jury on all issues and claims in this cause.

WHEREFORE, Home Depot U.S.A., Inc. hereby removes the case styled *Jacqueline A. Williams vs. Home Depot U.S.A., Inc.*, Case No. DC-14-12094, and respectfully requests that this Court assume full jurisdiction of this proceeding for all purposes as if originally filed in this Court, including but not limited to issuing any orders necessary to stay proceedings in the State Court Action.

Respectfully submitted,

By: /s/ Arthur K. Smith
Arthur K. Smith
Texas State Bar No. 18534100

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ATTORNEYS FOR DEFENDANT
HOME DEPOT U.S.A., INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of November, 2014, I served the attached document by
via facsimile and/or e-mail, on the following:

Michael Ellis
Lafitte, Abbott, Wingo, Rehfield & Holloway
1934 Pendleton Drive
Garland, Texas 75041
Counsel for Plaintiff

/s/ Arthur K. Smith
Arthur K. Smith